

REMARKS

Claims 1-11 are pending in the present application. Claim 1-11 have been rejected under 35 U.S.C. § 102(e) over Tsurushima et al. (US2001/0047256 A1). Claims 1-3, and 6-8 have been amended hereby. Claim 12 has been added hereby. Reconsideration of the present application is respectfully requested in light of the above amendment and below remarks.

Applicants respectfully submit that the amendments to claims 1-3 and 6-8, and the addition of new claim 12 do not add any new matter, and are fully supported by the specification on pages 1 and 2, as well as on page 17, lines 4-10.

Claims 1-11 have been rejected under 35 U.S.C. § 102(e) over Tsurushima. Applicants respectfully traverse this rejection.

Amended claims 1, 6 and 7 explicitly require that “the bit allocation is performed using a weighting table.” Applicant respectfully submits that this feature of the present invention is neither taught nor suggested by Tsurushima.

Tsurushima discloses a CPU-intensive bit allocation method that requires using a psychoacoustic model, analyzing FFT data, calculating masking effects, and the like. (See Tsurushima at paragraphs 135-139). In contrast to Tsurushima’s CPU-intensive method, Applicants’ method for bit allocation is performed using a weighting table. By virtue of the recited use of a weighting table (sometimes referred to as a ‘lookup table), the efficiency of a system is increased by reducing the number of calculations to be performed by the CPU.

On page 3 of the Office Action, the Examiner rejected the “weighting table” element in claim 2 referring to paragraphs 139 and 140 of Tsurushima. As recited in independent claims 1, 6 and 7, the weighting table is used by the bit allocation process. In contrast, the “filter coefficients or weighting functions” recited in Tsurushima are used by the multipliers 25 of the convolution filter circuit 523 . The weighting functions of

Tsurushima are not used for bit allocation, as explicitly recited in independent claims 1, 6 and 7.

Furthermore, Tsurushima fails to teach using a “weighting table” for performing bit allocation. As a matter of fact, the use of tables is nowhere mentioned in Tsurushima. Tsurushima’s weighting is not done with respect to bit allocation, as recited in claims 1, 6 and 7. Instead, in Tsurushima, “weighting coefficients” are used in a convolution filter and not in a bit allocation process, as recited in claims 1, 6 and 7. (see Tsurushima at para. 139). For at least this reason, Applicant respectfully submits that Examiner’s attempt to equate Tsurushima’s “weighting coefficients” with Applicant’s “weighting” is in error.

Withdrawal of the rejection of independent claims 1, 6 and 7 on the basis of Tsurushima is therefore respectfully requested.

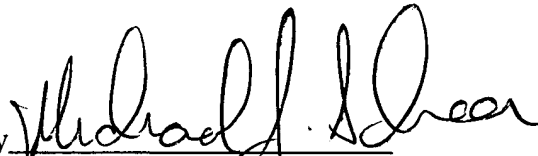
Claims 2-5 are dependent on and include all of the limitations of base claim 1. Claims 8-11 are dependent on and include all of the limitations of claim 7. Therefore, all of the above arguments regarding independent claim 1 and 7 apply equally to dependent claims 2-5 and 8-11.

In regard to new claim 12, Tsurushima corrects (compensates) the noise level on filtering and uses bit masking. In particular, with reference to Fig. 16, the frequency band that is humanly perceptible has the high mask value (MS) for eliminating bits. Such a method is quite opposite to that of the present invention as recited in new claim 12.

In view of the above amendment, applicant believes the pending application is in condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

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Respectfully submitted,

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